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501.37226VX1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: T. ITABASHI, et al.  
Application No.: 09/961,291  
Filed: September 25, 2001  
For: SEMICONDUCTOR DEVICE HAVING WIRES AND  
INSULATOR LAYERS WITH VIA-STUDS (AS AMENDED)  
Group Art Unit: 2815  
Examiner: E. Ortiz

**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 30, 2004

Sir:

In response to the Office Action mailed June 29, 2004, Applicants respectfully elect Species IV (which the Examiner lists as being the embodiment as illustrated in Fig. 4). It is respectfully submitted that claims 1-7 read on the elected species.

Applicants respectfully traverse the conclusion by the Examiner in the last full paragraph on page 2 of the Office Action mailed June 29, 2004, that, currently, there are no generic claims in the application. To the contrary, it is respectfully submitted that at least claim 1 is generic to all of the listed embodiments.

That is, it is respectfully submitted that claim 1 recites a semiconductor device having an insulator layer with at least one of a via-hole for forming a via-stud and a trench for forming a wire, with the via-stud and/or the wire being formed through a barrier layer made of any one of an inorganic compound and a high melting point

metal. It is respectfully submitted that this is a common feature in all of the various figures listed as separate Species by the Examiner, such that at least claim 1 is a generic claim to all of the listed species.

In addition, note that claims 8-20 are all dependent claims, dependent ultimately on claims 1, 2 or 7, reading on the elected Species IV. It is respectfully submitted that especially in view thereof, upon allowance of claims reading on the elected species, the remaining claims should be re-joined in the present application and allowed therein.


In view of all of the foregoing, Applicants respectfully elect Species IV for prosecution on the merits in the present application, and respectfully submit that claims 1-7 read on the elected species. Moreover, Applicants respectfully traverse the conclusion by the Examiner that there are no generic claims in the application; and respectfully submit that at least claim 1 is a generic claim.

Examination of claims reading on Species IV, in due course, is respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 501.37226VX1), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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